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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 01 105 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/DK 02/00008	International filing date (day/month/year) 03.01.2002	Priority date (day/month/year) 03.01.2002
International Patent Classification (IPC) or both national classification and IPC G08C17/02, G08C17/02		
Applicant VKR HOLDING AS et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01.07.2003	Date of completion of this report 11.06.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Baas, G Telephone No. +31 70 340-4024 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 02/00008**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-17 as originally filed

Claims, Numbers

1-19 filed with telefax on 27.05.2004

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-19
	No: Claims	
Inventive step (IS)	Yes: Claims	1-19
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: DE 93 19 508U

D2: DE195 02 839

The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document): Method of transmitting signals, e.g. control signals, request signals, interrogation signals etc. in a control system comprising at least two units, wherein at least one of said units is designed to operate as a master unit and wherein at least one of said units is designed to operate as a slave unit (see page 2, first paragraph), whereby a plurality of channels may be used for the transmission, whereby a master unit performs the steps of detecting a vacant channel and transmitting a signal via said vacant channel (see page 5, third paragraph), and whereby said at least one slave unit performs the step of scanning the channels for transmitted signals (see page 5, last paragraph).

The subject-matter of claim 1 differs from this known method in that said signal transmitted by said master unit comprises a preamble having a length corresponding at least to the time required for said at least one slave unit to test said channels for a transmitted signal, and wherein said at least one slave unit performs the step of testing said channels for a transmitted signal by testing said preamble for a predefined characteristic, e.g. a symbol, a bit sequence etc., said predefined characteristic comprising system specific information indicating to the slave unit that the message originates from a master unit related to the same system.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as providing a method in which the slave unit can reliably and effectively detect the channel selected by the master unit.

The solution to this problem as defined in claim 1 is neither disclosed nor suggested by the available prior art documents. Document D1 implies that the channel is detected by means of a simple measurement of the field strength on a channel. This leads to difficulties in distinguishing between a noise signal and a signal transmitted from the

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master on the channel. Document D2 discloses that the signal transmitted from the master has a preamble and that the slave unit tests said preamble for a predefined characteristic (see column 5, lines 10-19) but not that said predefined characteristic comprises system specific information indicating to the slave unit that the message originates from a master unit related to the same system. Thus even by combining the teachings of documents D1 and D2 the skilled person would not obtain the method as defined in claim 1. For these reasons, the subject matter of claim 1 involves an inventive step and therefore fulfills the requirements of Article 33(3) PCT).

Independent claim 14 is a system claim equivalent to method claim 1. Therefore, the subject matter of claim 14 is new and involves an inventive step for the same reasons as given herein above for claim 1 and fulfills the requirements of Article 33(2) PCT and Article 33(3) PCT).

Claims 2-13 and 15-19 are dependent on claim 1 and 14, respectively. Therefore, the subject matter of these claims is new and involves an inventive step and fulfills the requirements of Article 33(2) PCT and Article 33(3) PCT).